

**MINUTES OF A REGULAR MEETING
OF THE
BOARD OF TRUSTEES
OF THE
TOWN OF BUENA VISTA, COLORADO**

October 27, 2009

CALL TO ORDER

A Regular meeting of the Board of Trustees was called to order at 7:00 PM, Tuesday, October 27, 2009, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Cara Russell. Present were Trustees Joel Benson, Brett Mitchell, Keith Baker, Duff Lacy, Norm Nyberg, Robert Flint, Town Administrator Sue Boyd, Town Attorney Lee Phillips, Public Works Director Roy Gertson, Town Planner Shannon Haydin and Town Clerk Spomer.

ROLL CALL

Town Clerk Spomer proceeded with the roll call and declared a quorum.

PLEDGE OF ALLEGIANCE

Mayor Russell led in the Pledge of Allegiance.

AGENDA ADOPTION

Mayor Russell requested that Item E under New Business be moved up on the agenda when she arrives.

Motion #1 by Trustee Flint, seconded by Trustee Mitchell, to adopt the agenda as presented.

CONSENT AGENDA

A. Minutes

1. Special Meeting – September 25, 2009
2. Regular Meeting – October 13, 2009

B. Advisory Board Minutes

1. Planning & Zoning Commission
2. Recreation Advisory Board

C. Should the Board approve adoption of Resolution # 88, Series 2009, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, GRANTING THE AWARD AND APPROVING THE EXECUTION OF A CONTRACT WITH MILES CONSTRUCTION FOR THE BUENA VISTA RIVER PARK PROJECT"?

D. Should the Board approve adoption of Resolution #89, Series 2009, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA APPOINTING ROB READMOND AS A MEMBER OF THE RECREATION ADVISORY BOARD"?

Trustee Flint asked for clarification on page 15 the first paragraph, end of the second sentence regarding 211 million gallons = 2700 taps and 1 residence. Roy noted it is 1 EQR per resident and "per" should be added and requested that the next sentence should include "need" for more rights.

Mayor Russell noted a correction on page 19 of the P&Z minutes the 1st line should be "P&Z"; on page 13 under Shannon's appointment add Cara stepped in "after Bev's resignation"; Cara asked for a completion date on the Miles Contract. Roy advised it will be the end of March. Cara referenced Resolution #88 on page 26 and asked for a language change in the 4th Whereas Clause where it says "agreed to award". The 4th Whereas Clause will be deleted. Attorney Phillips noted we will not be using the PSA but a similar contract, the contract that was placed on the table replaces pages 37-46.

Trustee Baker expressed it was nice to see Rec. Advisory Board minutes in the packets since they haven't seen any in awhile.

Trustee Benson requested a correction on page 14, the second bullet item about the Sketch Plan review should say "proposed to be waived".

Motion #2 by Trustee Flint, seconded by Trustee Mitchell, to approve the Consent Agenda as amended. Motion carried.

PUBLIC COMMENT

No comments were received.

NEW BUSINESS

PUBLIC HEARING – TO CONSIDER A REQUEST FOR A VARIANCE AT 114 NIGHTHAWK DRIVE, BILL KRAMER APPLICANT

Mayor Russell opened the public hearing at 7:09 PM, outlined the purpose for the hearing and the process to follow.

Bill Kramer advised Council he is constructing a house at 114 Nighthawk Road that is almost complete, a few weeks ago he learned the house is 9" taller than allowed by the building code; Vista Builders completed about 1/3 of the construction (framing and trusses were complete) and then filed bankruptcy; he hired a new builder to complete the home and is almost ready for a C.O. and solicited questions from Council.

With no other comments received, Mayor Russell closed the public comment portion of the hearing at 7:13 PM.

Discussion followed on the cost to re-do the work would cost \$20,000-\$30,000; the stucco is complete; the exterior porches are lacking to get the C.O.

Town Planner Haydin talked to Bill Paradise and the Chaffee Building Department; the permit was issued over a year ago; no dimensions were on the elevations and should have been on the plans; all new building permits that are received will need all the dimensions on the plans. Shannon suggested she can do letters to the Building Department to ensure they are checking set-backs and heights in the future and outlined the current process for building permits.

Discussion followed on the process failed Mr. Kramer at the time of framing inspection (the height was not checked); complaints were received from neighbors; Shannon was not sure what tool was used by the County to check the height of the house; what precedent will Council set if the variance is approved; staff and the County should have caught this and the bankruptcy didn't help the situation; this was not done maliciously; Shannon noted the criteria for approval has been met for the variance. Council asked that staff make sure they catch this at blue print stage.

- Should the Board approve adoption of Resolution #85, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AUTHORIZING AND APPROVING A ZONING VARIANCE TO ALLOW A BUILDING TO REMAIN AT 114 NIGHTHAWK DRIVE THAT IS 9 INCHES HIGHER THAN THE 25 FEET ALLOWED IN THE R-1 ZONE DISTRICT**"?

Motion #3 by Trustee Flint, seconded by Trustee Nyberg, to approve Resolution #85, Series 2009. Motion carried.

PUBLIC HEARING – SUPPLEMENTAL APPROPRIATION TO THE 2009 BUDGET

Sue Boyd advised that Christine is out of town on a family emergency; noted the apron updates for \$30,000 on page 86 should be removed; there is an alternate proposal coming before the Board to not reduce it and to proceed in 2009; we're looking at spending the savings to do engineering specs for hangar development and this discussion could be tabled to November 10 when Christine returns.

Discussion followed on water sales compared to budget are on track; meter read times are 4-6 hours less per month with the change of Ivy League subdivision meters to radio read; Ivy League connection being postponed until needed; tabling approvals until Christine is back.

Motion #4 by Trustee Benson, seconded by Trustee Mitchell, to table Resolutions #90 and #91 to November 10, 2009. Motion carried.

PUBLIC HEARING – THE TOWN OF BUENA VISTA 2010 BUDGET

Mayor Russell opened the public comment portion of the hearing at 7:31 PM with none received and closed the public comment portion of the hearing. A short discussion followed.

Motion #5 by Trustee Flint, seconded by Trustee Mitchell, to continue the hearing to November 10, 2009. Motion carried.

Should the Board approve adoption of Resolution #92, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA GRANTING A WAIVER OF THE REQUIREMENT FOR A JOINT SKETCH PLAN REVIEW WITH THE PLANNING & ZONING COMMISSION AND BOARD OF TRUSTEES FOR THE MEADOWS AT BUENA VISTA PLANNED UNIT DEVELOPMENT**"?

Administrator Boyd noted this Resolution is to move the process along for The Meadows and is related to a code requirement for a joint Sketch Plan Review with P&Z and the Trustees; Cottage Glen received a similar request for the waiver and it is in the interest of meeting the timeline for the November 10 Hearing.

Trustee Benson suggested Shannon look at this requirement being optional and not required.

Motion #6 by Trustee Baker, seconded by Trustee Flint, to approve Resolution #92, Series 2009. Motion carried.

DISCUSSION OF A PROPOSAL FOR STREET FURNITURE FOR THE BUMP-OUTS ON E. MAIN STREET

Sue Boyd introduced Linda Howley who volunteered services on a pro bono basis the last few months, gave background on the East Main Street Development Project (2009 capital project); indicated some expenditures exceeded projections; in addition to looking at street furniture we are trying to fund all the pieces for completion; the proposal is \$5000 (in the approved 2009 budget) to be applied to constructing demonstration bump-outs if the project proceeds accordingly; the 2010 budget includes \$21,000 for additional furniture and possibly a "sponsor a bump-out" for private sector funding.

Linda Howley noted a lot of discussion took place with the group who came up with a concept to address the items outlined in Sue Boyd's memo; looked at low maintenance materials; worked with two local artists to come up with a design for the committee's approval and provided slides of potential benches, bike racks, cut metal panels, planters, trash cans (make them bear proof) and a water fountain with dog bowl and best plantings based on cost and longevity. Members of the furniture committee expressed their excitement on the presentation.

Discussion followed on the various themes proposed; potential liability to the Town if someone trips and hits the table; removing spray paint from graffiti (could be water blasted or use of chemical); discussion is on-going on the various locations of the bike racks. Council gave consensus to proceed with the community open house forum and a formal proposal to proceed with construction of two "demo" bump-outs. Discussion continued on the fountain currently on Main Street is plumbed into the street drain; sizing of the center trunk is 10" to allow for a couple drains and a supply line.

A recess was taken from 8:04 PM to 8:09 PM.

DISCUSSION OF A WAIVER REQUEST FROM THE CHAFFEE COUNTY FIRE PROTECTION DISTRICT

Mayor Russell advised that she and Sue Boyd had a meeting with Ron Hassell and Joe Bohe from CCFPD, both agreed there is enough new blood on Council to have an education work session to ensure everyone understands how our town relates to CCFPD to be scheduled in the future. The request tonight is for a waiver of fees.

Town Planner Haydin noted the Town does not collect any building permit fees but Chaffee County collects 100%; a Variance, Special Use/Temporary Permit or Park Use Permit could be waived by the Town.

Discussion followed on writing a letter to the Commissioners recommending where ever possible when a CCFPD building is being built that they consider waiving the fees; CCFPD uses the Rodeo Grounds once a year; approval can be extended beyond the current fiscal year; various fees they may need waived (rodeo grounds, variance, temporary use) and leaving it open forever.

Motion #7 by Trustee Flint, seconded by Trustee Mitchell, to waive permit fees between Buena Vista and CCFPD. Discussion followed. Roll call vote: Baker –aye, Flint-aye, Lacy-aye, Mitchell-aye, Nyberg-nay, Benson-aye. Motion carried.

~~Should the Board approve adoption of Resolution #93, Series 2009, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA AMENDING THE MASTER AGREEMENT WITH RTA ARCHITECTS FOR PHASE III OF THE AIRPORT TERMINAL RENNOVATION"?~~
BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA AMENDING THE MASTER AGREEMENT WITH RTA ARCHITECTS FOR PHASE III OF THE AIRPORT TERMINAL RENNOVATION"?

Sue Boyd led the discussion by noting the Airport Advisory Board recommended proceeding; the Board reviewed this at the last meeting with discussion about where the future institutional kitchen may be located; a new Professional Services Agreement has been provided with cost estimates encompassing a ~~base bid with add items for construction of restrooms on the 2nd floor, opening of walkway, ADA~~
~~Should the Board approve adoption of Resolution #94, Series 2009, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES APPROVING AN ADDENDUM TO THE CONTRACT WITH TYLER TECHNOLOGIES FOR THE PURCHASE OF ADDITIONAL SOFTWARE"?~~
BOARD OF TRUSTEES APPROVING AN ADDENDUM TO THE CONTRACT WITH TYLER TECHNOLOGIES FOR THE PURCHASE OF ADDITIONAL SOFTWARE"?

Mayor Russell outlined that the Town will save 30% if we purchase the software now, and the deposit is refundable if we decide we don't want it.

Motion #9 by Trustee Lacy, seconded by Trustee Mitchell, to approve Resolution #94, Series 2009. Roll call vote: Nyberg-aye, Mitchell-aye, Lacy-aye, Flint-aye, Benson-nay, Baker-aye. Motion carried.

Should the Board approve adoption of Resolution #95, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA AMENDING THE MASTER AGREEMENT WITH RTA ARCHITECTS FOR PHASE III OF THE AIRPORT TERMINAL RENNOVATION**"?

Sue Boyd led the discussion by noting the Airport Advisory Board recommended proceeding; the Board reviewed this at the last meeting with discussion about where the future institutional kitchen may be located; a new Professional Services Agreement has been provided with cost estimates encompassing a base bid with core items for construction of restrooms on the 2nd floor, opening of walkway, ADA compliance in main floor restrooms and some pieces of rearranging room layout on the 2nd floor to accommodate leasing for aircraft testing. Staff is recommending researching additional sources of funding for both air handling units, RTA recommends that if we proceed with the base bid now there may be additional savings that could be applied to other funds when the air handling units get done.

Discussion followed on looking for additional funding sources for air handling units; Airport Board has indicated urgency in getting this done; Bob Johnson expressed if the Town waits to delay repairs we will not be able to get contractors that can finish the product, since we bid high there may be additional funds left over, contractors are now looking for work and will probably bid low and recommended starting Phase I and II and wants to get it done and be ready for testing this summer.

Discussion continued on removing the language in the 5th Whereas Clause after "\$10,882" and from the NOW THEREFORE clause strike "a copy of which is attached hereto and incorporated herein..."

Motion #10 by Trustee Benson, seconded by Trustee Mitchell, to approve Resolution #95, Series 2009, with noted changes. Roll call vote: Benson-aye, Nyberg-aye, Baker-aye, Mitchell-aye, Lacy-aye, Flint-aye. Motion carried.

DISCUSSION OF GEORGE K. BAUM ACTING AS AN ADVISOR TO THE TOWN ON PREPARING INFORMATION ON SOLICITING INPUT ON PUBLIC POLICY RELATED TO THE ADOPTION OF A DEDICATED SALES TAX FOR STREETS AND A BOND ISSUANCE FOR STREET PROJECTS

Sue Boyd reminded Council this was discussed during the 2010 budget work session with the possibility of a ballot question for the Town to pursue a bond fund to address street development needs; if Council approves, we can schedule public meetings to get information out and asked for direction.

Discussion followed on capitalizing on the E. Main Street Project and keep things going; getting the scope of the work and cost from George K Baum; does Council want to proceed and a proposal will be brought back. Council asked that staff proceed.

STAFF REPORTS

TOWN ADMINISTRATOR:

Administrator Boyd had the following items to cover:

- The UAWCD Case #06CW32 has been decreed and Water Counsel is revisiting and focusing on discussions for a water service agreement.
- Our new camera person, Tim Jaster, met with Norm Dorn to learn the system and we are working on a long-term vision; we are not live yet but have some equipment issues to address.
- We have an active task group with the school that is working on a Safe Routes to School Grant being submitted in December, they will meet Thursday.
- Lee and I have been meeting with The Meadows on the various moving parts, Sketch & PUD were reviewed by P&Z recently and approved with a list of conditions; we're now working on the ADA and Service Plan; there are a lot of challenges in meeting the November 10 hearing date and are sure we will not be able to get those packets out early. Staff recommendation on the Service Plan will be for approval with conditions, we promised a red-line version to the developer by the end of Friday. Trustee Flint noted the revised application for sanitation service was presented before the

San. District but they did not pass it without further review. Lee Phillips noted some issues will not be resolved by November 10.

- Trustee Mitchell asked if there were any discussions with S. Main on the ice rink. Sue has not had any conversations, the hope was that we may have had time to look at more options in detail and it has not happened yet.
- Trustee Lacy asked about the water at True Value. Sue advised their water situation is different than Sangre De Cristo, there is need for a conversation on EQRs first, there are several components on the True Value piece and we are hoping to look at it before the end of the year.

TRUSTEE/STAFF INTERACTION

- Mayor Russell asked about applications for the Town Attorney position. Sue noted the closing date is next Monday and have 14 submittals thus far; Attorney Phillips has volunteered to participate in the review process. Mayor Russell noted Council saw all the applicants last time and gave their recommendation on the top 5 and they were called in for interviews. Cara, Shannon and Sue met with the P&Z Chair today to look at the Comp Master Plan to see what has moved along, what needs to move along and staff will continue to move through the process. It was recommended to hold a joint meeting with P&Z tentatively scheduled for December 2. Staff will provide feedback on what will be discussed. Cara asked about discussions in the Police Department and changes in policy on Medical Marijuana Dispensaries, noted towns on the front-range are dealing with it, near-by towns are working on the changes and there is nothing prohibiting setting up the dispensaries and asked for input from staff. Sue felt there was need based on comments from Chief Tidwell and CML has been doing some research. Attorney Phillips stated he can generate a memo, has a standard moratorium ordinance for Cripple Creek, Alma, Fairplay and Park County, it's a huge issue, options range, most do a 90-day moratorium and decide where they want to go. Trustee Baker asked if it could be taxed. Lee advised it is not a prescription drug and can be taxed.
- Mayor Russell asked Roy Gertson about Steve Plumb's list of park safety concerns. Roy noted Steve went through each park and outlined issues; staff has been trained to identify safety hazards, we have done most of what we can do, some items he just recommended removal and some were minor, CIRSA wants to do a valuation themselves; Steve did an outstanding job.
- Trustee Benson noted we talked about getting together with business owners and developers to have a meeting/work session to get feedback on codes and what is working or not; met with Cara and feels it would be best to hold off a little bit given the number of items staff is working on.
- Trustee Flint and Sue went to Poncha Springs last Thursday to learn about everyday alternative energy, met an investment banker who is knowledgeable who does financing projects around the world on alternative energy. Sue noted they are planning on meeting with him another time, he can frame realistic issues in the County.
- Cara attended the Action 22 Chaffee meeting with Sue and for \$150 felt we get some representation, they are looking for another representative from Chaffee County, Sue has been serving but solicited a volunteer from Council. Cara will call Cathy Garcia. Kathryn Wadsworth and Terry Scanga may potentially represent Chaffee County.
- Public Works Director Gertson stated the Public Works Department crafted a letter recommending the nomination of ACA Products for an award through Colorado Asphalt Paving Association in their annual awards project; this is for the E Main Project, ACA asked that Mayor Russell sign it and read the letter into the record. Council gave consent.
- Trustee Mitchell commended staff for their efforts on getting the materials together for The Meadows hearing.

ADJOURNMENT

Motion #11 by Trustee Flint, seconded by Trustee Baker, noting that there being no further business to come before the Board declared that the meeting be adjourned at 9:22 PM. Motion carried.

Respectfully submitted:



Mayor, Cara Russell



Town Clerk, Diane Spomer